

REMARKS

I. REJECTIONS UNDER 35 U.S.C. §112, ¶2

The Office Action rejected claim 19 as being indefinite. Claim 19 has been cancelled without prejudice or disclaimer.

II. PRIOR ART REJECTIONS

The Claimed Invention

The independent claims now pending in the application as amended are claims 1, 40, 46, 49, 51, 52, 53, 54 and 56. All of these independent claims are directed to a process for coating a three-dimensional substrate with a uniform, thin layer of 100 percent solids material. The claims vary in certain respects. For example, claim 1 recites providing a “uniform thin film layer of coating of said coating material on said three-dimensional substrate.” Claim 4 as amended recites, among other steps, a process for providing “a uniform thin film coating of said coating material on said three-dimensional substrate”. Claim 46 recites another step in a process for coating a three-dimensional substrate, “wherein said wet build of coating material and said dry build of coating material are substantially equal and each 0.001 inches or less thick.”

As indicated in paragraph 3 of Mr. Hagopian’s declaration (“Hagopian Decl.”), an example of a three-dimensional substrate is illustrated in Figure 1 of the application and includes items that have edges, grooves, corners or other contoured or recessed areas that are difficult to coat. For example, the three-dimensional substrate illustrated in Figure 1 is a cabinet door with various contours, recessed areas and corners in its surface. As understood in the coatings industry, three-dimensional substrates do not include flat, two-dimensional substrates such as flat paneling for walls, plywood sheets and wood flooring. Hagopian Decl., ¶¶ 3, 4. As understood in the art of coatings, a three-dimensional substrate is a substrate in which the distance between the surface of the substrate and the coating application device, such as a spray gun, varies over the substrate as the coating is applied. This is because the surface of the three-dimensional substrate is not a substantially flat surface. In contrast, a two-dimensional substrate is a substrate in which the distance between the surface of the substrate and the coating application device is substantially constant during coating application. Hagopian Decl., ¶ 4.

Hasenour recognizes the commonly understood meanings and differences between the meanings of “two-dimensional substrate” and “three-dimensional substrate” as used in the coatings industry. See column 1, lines 60-63 where this patent states, “Roll coating processes can be used, but roll coating is limited to flat articles and cannot be used with three-dimensional articles such as contoured cabinet doors.” This statement indicates that flat articles are not three-dimensional articles. Hagopian Decl., ¶ 5.

Prior to the invention, there has been no way to apply a thin, uniform coat of 100 percent solids coating to a three-dimensional substrate. Hagopian Decl., ¶ 8. A “thin film” is .2 mils to 2 mils in thickness. Prior products comprised of a three-dimensional substrate in which a thin film of 100% solids material has been applied resulted in blotchy, dry and uneven coatings and the coatings failed to enter areas not perpendicular to the point of dispensation of the coating. Accordingly, prior to the invention, a process of applying a one hundred percent solids coating on a three-dimensional substrate uniformly to form a thin film layer of coating as recited in independent claims 1, 40, 46, 49, 51, 52, 53, 54 and 56 has not been achieved.

Rejections in View of Blazey ‘931

Claims 1-5, 7, 12-17, 46, 47 and 51-56 stand rejected in view of Blazey ‘931 under 35 U.S.C. §102(b). Blazey ‘931 relates to applying a coating of 100 percent solids material to a substrate. However, in contrast to the invention, Blazey ‘931 only discloses applying a coating to two-dimensional substrates such as paneling for truck-trailer doors having a flat surface. Blazey ‘931, Col. 2, lines 13-14; Col. 5, lines 33-48. Blazey ‘931 does not disclose applying a 100 percent solids coating to products comprised of three-dimensional substrates. Hagopian Decl., ¶ 6. Accordingly, Blazey ‘931 plainly does not anticipate claims 1-5, 7, 12-17, 46, 47, and 51-56 which all require a process for coating a three-dimensional substrate.

Rejections in View of Schlegel ‘022

Claims 1, 4, 5, 6, 53 and 56 stand rejected in view of Schlegel ‘022. The Office Action asserts that the disclosure of “about 3 to 10 mils” anticipates the claimed thin films (0.2-2 mils). Applicant strongly disagrees. “Prior art which teaches a value that is very close to, but does not overlap or touch, the claimed range does not anticipated the claimed range.” MPEP 2131.03. III. “[A]nticipation under § 102 can be found only where the reference discloses exactly what is

claimed.” MPEP 2131.03. III. Thus, to anticipate thin films (0.2-2 mils), Schlegel must expressly teach at least one thickness in this range. About 3 to 10 mils is clearly not such a teaching. Applicant also respectfully points out that it is understood in the field of coating substrates that 2 mils of coating is not within the range of “about 3 to 10 mils” of coating. Hagopian Decl., ¶ 6. Accordingly, Schlegel ‘022 does not anticipate claims 1, 4, 5, 6, 53 and 56.

Rejections in View of Nielsen ‘638

Claims 1-5, 7-13, 18, 20-22, 28, 32-35, 39-44, 46, 47, 49, and 51-56 all stand rejected under 35 U.S.C. §102(b) or 35 U.S.C. §103(a) in view of Nielsen ‘638. As the Office Action indicates, Nielsen ‘638 does not disclose applying these coatings to a three-dimensional substrate. Instead, the Office Action states that all substrates are “inherently” three-dimensional. However, in the coatings industry, three-dimensional substrates do not include flat, two-dimensional. Hagopian Decl., ¶¶ 3, 4 In the coatings industry, the surface of three-dimensional substrates is not substantially flat. Hagopian Decl., ¶¶ 4, 5 Because Nielsen ‘638 fails to disclose a three-dimensional substrate, Applicant respectfully submits that claims 1-5, 7-13, 18, 22-22, 28, 32-35, 39-44, 46, 47, 49, and 51-56 are not anticipated.

Rejections in View of Hasenour

Claims 1, 4-7, 12, 13, 32-35, 52, 53 and 56 stand rejected under 35 U.S.C. §102(e) in view of Hasenour ‘535. The Office Action argues that:

the Applicant *implies* that in order to remove the plastic look the film *must* be in the disclosed thin film range, since Hasenour is also creating thin films to prevent this plastic look the films of Hasenour must also fall in this range or else the plastic look would occur. Thus the films of Hasenour fall within the claimed ranges **without the explicit teaching of the range.**

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Applicant respectfully points out that to anticipate, Hasenour must teach every element of the rejected claims. This is clearly not the case. The Office Action relies not only on the teaching of Hasenour, but also what the Office Action alleges is *implied* by Applicant’s own disclosure.

Applicant also points out that the background of Applicant's application does not *imply* that in order to remove the plastic look the film *must* be in the disclosed thin film range. Applicant's background section makes no such statement. All that is disclosed in the section of Applicant's background relied upon in the Office Action is that films between 2 and four mils would appear "plastic-coated."


Hasenour '535 simply **does not** disclose anywhere a thin film coating, which is defined to be between .2 mils and 2 mils. Claims 1, 4-7, 12, 13, 32-35, 52, 53 and 56 are clearly not anticipated by Hasenour '535.

Obviousness Rejections

The Office Action rejected dependent claims 23-27, 29-31, 36-38, 45, 48, 50 as being obvious. These claims are allowable for at least the reasons set forth above that the independent claims from which they depend are allowable.

Applicants respectfully submit that all pending claims are now allowable.

Respectively submitted,



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